

DISCUSSION OF THE AMENDMENT

Claim 1 has been amended from plural to singular, and to require that the maximum amounts for components (A) and (B) be less than 90% by weight, and less than 40% by weight, respectively. The latter amendment is deemed supported by the fact that the claim otherwise requires that the sum total of the weight percentages not exceed 100% by weight, and the fact that it was impossible for the claim, as written prior to this amendment, to include 90% of component (A), or 40% by weight of component (B). It is respectfully submitted that the facts make it clear that Applicants had possession of the presently-claimed invention as of the applicable filing date.

Claim 12 has been amended by changing “70” to --60--, and by changing “5” to --10--, as supported by Claim 1.

Remaining amendments change plural to singular.

No new matter is believed to have been added by the above amendment. Claims 1-12 remain pending in the application.

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held June 7, 2006, in the above-identified application. During the interview, Applicants' attorney explained the presently-claimed invention and why it is patentable over the applied prior art, and discussed other issues raised in the Office Action. The discussion is summarized and expanded upon below.

The rejections of Claims 1-5, 7-10 and 12 under 35 U.S.C. §102(b) as anticipated by U.S. 6,110,266 (Gonzalez-Blanco et al), and of Claims 6 and 11 as unpatentable over Gonzalez-Blanco et al in view of U.S. 6,646,023 (Nyssen), are respectfully traversed.

As pointed out to the Examiner during the above-referenced interview, the present invention, as recited in Claim 1, is drawn to a **solid** composition. As argued previously, Gonzalez-Blanco et al is drawn to a composition that is necessarily liquid, i.e., an ink-jet ink. The Examiner responded to this argument by finding that the use of the present term "including" in the present claims leaves them open to the inclusion of water, such as disclosed in Gonzalez-Blanco et al. In reply, and as Applicants' attorney noted during the above-referenced interview, while the Examiner is correct that the present term "including" leaves the claims open to unspecified materials, including water, the claims exclude such materials which would change the claimed composition from something other than a solid composition. Thus, while the presently-claimed composition may contain water, it may not contain sufficient water to render the overall composition liquid. Moreover, even if Gonzalez-Blanco et al did disclose solid compositions, while Gonzalez-Blanco et al discloses the use of "at least one" dispersant, wherein the dispersants may be non-ionic, anionic, cationic, or amphoteric compounds (column 2, lines 53-54; emphasis added), it would appear that Gonzalez-Blanco et al does contemplate more than one nonionic dispersant, or more than one anionic dispersant, etc., but not mixtures of different types of dispersants. Nevertheless,

even if Gonzalez-Blanco et al does contemplate such mixtures of different dispersants, there is no disclosure or suggestion therein to use particular combinations of nonionic and anionic dispersants, let alone those recited in the present claims and within the percentage ranges of the present claims.

Nyssen does not remedy the above-discussed deficiencies of Gonzalez-Blanco et al. Nyssen is drawn to solid pigment preparations for coloring seed and seed-dressing materials. Without the present disclosure as a guide, it is not clear why one skilled in the art would combine Gonzalez-Blanco et al and Nyssen, but even if combined, the result would not be the presently-claimed invention. It is not clear why a person concerned with a problem in the ink-jet ink art would seek a solution in the colored seed or seed-dressing art, or vice versa; nor is it clear why one skilled in the art would combine disclosure of solid pigment compositions with liquid pigment compositions. Moreover, even if the ink-jet ink of Gonzalez-Blanco et al were modified as suggested by the Examiner, the result would still be a liquid composition.

For all the above reasons, it is respectfully requested that the above rejections be withdrawn.

The rejection of Claims 1-12 under 35 U.S.C. §112, second paragraph, as indefinite, is respectfully traversed. Indeed, the rejection would now appear to be moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the rejection be withdrawn.

The provisional rejection of Claims 1-12 on the ground of non-statutory obviousness-type double patenting over Claims 1-20 of copending application no. 10/515,345, is respectfully traversed. To the extent this provisional rejection applies to the claims as above-amended, the Examiner is respectfully requested to hold the rejection in abeyance until the present claims are found to be allowable but for these rejections. If, at that time, the

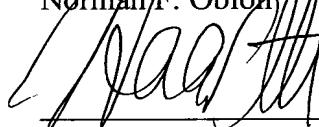
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copending application has not been allowed, then the present application should be allowed, and a non-provisional double patenting rejection made in the other application, if applicable. See M.P.E.P. 822.01. (Applicants do not concede that any such rejection would be applicable.)

Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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